

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-6 and 8-15 are pending in this application.

Allowable Subject Matter:

The Office Action held that claims 5-6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this Amendment, claim 5 has been rewritten in independent form. Claim 6 remains dependent from claim 5. Accordingly, claims 5-6 are allowable.

Rejection Under 35 U.S.C. §102:

Claims 1-4 and 7 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Reiter (DE '723). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Reiter. For example, Reiter fails to disclose a dynamic flow rate adjusting method for an injector including measuring a static flow rate of the injector and calculating an adjusting amount of an adjuster for achieving a target dynamic flow rate based on the measured static flow rate of the injector, as required by independent claim 1.

Through the above noted features, a static flow rate error included in the dynamic flow rate can be considered in the calculation of an adjusting mount of an adjuster. (For example, but without limitation, see page 6, lines 23-26 of the originally-filed specification). As is commonly recognized in the art, a static flow rate is a flow rate measured by continuously setting a valve member, which opens and closes an injection

hole, at the fully opened position. In contrast, the dynamic flow rate is a flow rate per measurement repeatedly performed by fully opening the valve member in a cycle for a certain period shorter than the cycle and by closing the valve member when the certain period elapses. (See also pages 6-14 of reference "Surface Vehicle Recommended Practice J1832" cited in the attached Information Disclosure Statement (IDS)).

Reiter discloses that the dynamic actual delivered medium quantity for an opening and closing process is determined and compared with a desired quantity of medium, and the adjustment housing is then pressed further into the connector until the measured and desired values coincide. (See the abstract of Reiter). However, Reiter fails to disclose measuring a static flow rate of the injector or calculating an adjusting mount of an adjuster for achieving a target dynamic flow rate based on the measured static flow rate of the injector.

Accordingly, Applicant respectfully submits that still pending claims 1-4 are not anticipated by Reiter and therefore respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

New Claims:

New claims 8-15 have been added to provide additional protection for the invention. New independent claim 8 requires "a calculator for calculating the adjusting amount of the adjuster for achieving a target dynamic flow rate based on the measured static flow rate of the injector." New independent claim 12 requires, *inter alia*, "the adjusting amount of the adjuster is calculated from an adjustment coefficient calculated by the calculator, the adjustment coefficient being a rate of change in an ineffective injection period in a single injection command signal with respect to the adjusting

TOIYAMA
Application No. 10/693,956
April 3, 2006

amount of the adjuster.” New independent claim 14 requires, *inter alia*, “calculating the adjusting amount of the adjuster for achieving a target dynamic flow rate based on a static flow rate of the injector and an adjustment coefficient which is based on a rate of change in an ineffective injection period in a single injection command signal with respect to the adjusting amount of the adjuster.” Accordingly, Applicant respectfully submits that new claims 8-15 are allowable.

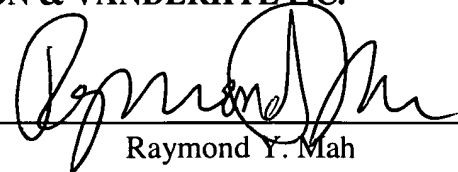
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Raymond Y. Mah
Reg. No. 41,426

RYM:sl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4044
Facsimile: (703) 816-4100